

Docket No. 030712-29

Serial No. 10/811,835

Page 8

**REMARKS**

Filed concurrently herewith is a Request for a Three Month Extension of Time which extends the shortened statutory period for response to June 29, 2007. Accordingly, Applicants respectfully submits that this response is being timely filed.

The Official Action dated December 29, 2006 and its contents carefully noted. In view thereof, the specification as well as claims 1-15 have been amended in order to better define that which Applicants regard as the invention. In view of Applicant's concurrent filing of a Request for Continued Examination, it is respectfully requested that the foregoing amendments be entered and fully considered by the Examiner. As previously, claims 1-15 are presently pending in the instant application.

Turning now to the Official Action and particularly page 2 thereof, the specification has been objected to as including minor informalities. Particularly, the Examiner notes that the second paragraph of page 4 of the present specification has an unclearly formulated sentence. In this regard, as can be seen from the foregoing amendments, Applicants' specification has been amended at page 4 in order to recite that the interconnect patterns and contacts are removed from the spare cells. Accordingly, Applicants respectfully that the specification as now in proper formal condition for allowance.

With respect to paragraph 5 of the Office Action, claims 2-5, 7-9 and 11-15 have been objected to by the Examiner in that the preamble recites "designing a circuit layout" or "changing a circuit layout", wherein the Examiner is of the position that there is insufficient antecedent basis for this limitation in the claims. While Applicants respectfully disagree, as can be seen from the foregoing amendments each of claims 2-5, 7-9 and 11-15 have been amended to recite either "designing the circuit layout" or "changing the circuit layout" in

Docket No. 030712-29  
Serial No. 10/811,835  
Page 9

order to comply with the Examiner's requirement. Accordingly, it is respectfully submitted that Applicants' claimed invention is now in proper formal condition for allowance.

Turning now to paragraph 7 of the Office Action, claims 1-7 and 9-15 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,446,248 issued to Solomon et al. This rejection is respectfully traversed in that the patent to Solomon et al. neither discloses nor suggests that which is presently set forth by Applicants' claimed invention.

As can be seen from the foregoing amendments, each of the several independent claims have been amended to recite features which are clearly neither disclosed in nor suggested by the teachings of Solomon et al. That is, each of independent claims 1 and 10 have been amended to recite that the method of designing a circuit layout for a semiconductor integrated circuit includes the step of providing a spare underground cell or a plurality of spare underground cells having no interconnect patterns and contacts and inserting the spare underground cell or plurality of spare underground cells into the open area, wherein the spare underground cell or plurality of underground cells include a functional element or a plurality of functional elements. Similarly, independent claim 6 recites a method of changing a circuit layout of a semiconductor integrated circuit, comprising, preparing the circuit layout including a logic cell area and a spare underground cell area wherein the spare underground cell area has no interconnect patterns and contacts and includes a functional element. In providing such a spare underground cell(s) or cell area, the advantages set forth in Applicants specification can be achieved.

With respect to the teachings of Solomon et al., this reference merely discloses a base cell 245 to create POG. That is, the Solomon et al. reference clearly fails to disclose or remotely suggest that the base cell 245 has no interconnect patterns and contacts.

Docket No. 030712-29  
Serial No. 10/811,835  
Page 10

Particularly, Solomon et al. discloses the base cell 245 as having metal traces (310, 312, 320, 322, 330 and 332) which are electrically coupled to the underlying portion of the contacts in order to form terminals as noted from column 5, lines 64 through column 6, line 14 of the reference. Consequently, it is respectfully submitted that Solomon et al. shows that the base cell 245 includes interconnect patterns, that being the metal traces and contacts. Therefore, it is respectfully submitted that the base cell of Solomon et al. is clearly different from the spare underground cell set forth in accordance with Applicants' claimed invention and consequently, the method of designing a circuit layout of a semiconductor integrated circuit and the method of changing a circuit layout of a semiconductor integrated circuit as claimed in each of independent claims 1, 6 and 10, as well as those claims which depend therefrom, clearly distinguish over the teachings of Solomon et al. and are in proper condition for allowance.

With reference to paragraph 8 of the Office Action, Applicants wish to acknowledge the Examiner's indication that claim 8 has been objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. In this regard, Applicants' respectfully request that such claim again be indicated as being allowable over the prior art of record along with the several pending claims and that the application be passed to issue.

Therefore, in view of the foregoing it is respectfully requested that the objections and rejections of record be reconsidered and withdrawn by the Examiner, that claims 1-15 be allowed and that the application be passed to issue.

Docket No. 030712-29

Serial No. 10/811,835

Page 11

Should the Examiner believe a conference would be of benefit in expediting the prosecution of the instant application, he is hereby invited to telephone counsel to arrange such a conference.

Respectfully submitted,



Donald R. Studebaker

Reg. No. 32,815

Nixon Peabody LLP

401 9<sup>th</sup> Street N.W.

Suite 900

Washington, D. C. 20004

(202) 585-8000